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### **REMARKS**

1. **Present Status of Patent Application**

Upon entry of the amendments in this response, claims 1-5, 9-19, and 21-24 remain pending in the present application.

2. **Objection of Claim 23**

Claim 23 has been objected to as containing certain informalities. In response to the objection, claim 23 has been amended to overcome the stated objection. Therefore, Applicant respectfully requests that the objection of this claim be withdrawn.

3. **Response to Rejection of Claims 1-4, 9, 10, 11, 13, 17, 18, 21, 22 and 23 under 35 U.S.C. § 103(a)**

Claims 1-4, 9, 10, 11, 13, 17, 18, 21, 22, and 23 have been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Qureshey* (WO 99/38266) in view of *Schindler* (U.S. Patent No. 5,867,223). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon prior art, the prior art must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. **Proposed Combination of *Qureshey* in view of *Schindler* is Improper**

A claim cannot be deemed obvious in view of a reference or proposed combination of references if the references "teach away" from the claim. *See In re Gurley*, 2 F.3d 551, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994). With respect to the cited references, *Qureshey* discloses an "intelligent radio" that "receive[s] digitized radio from the Web without the need for a personal computer or other expensive equipment." Page 4, lines 6-8. Accordingly, a "preferred embodiment of the intelligent radio apparatus relieves the user of the complicated tasks associated with installing and configuring computer software. The intelligent radio apparatus

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preferably provides a user interface that is less like a computer program and more like a conventional radio, thus making the device easy to use.” Page 2, lines 1-3.

*Schindler*, on the other hand, shows a “home information and entertainment system controlled by a multipurpose computer system capable of running multiple programs contemporaneously” and designed to be coupled to a satellite, speakers, headsets, home network, stereo, game center, video monitors, video recorders, *etc.* See col. 2, lines 40-44; and FIG. 1A. Such a home information and entertainment system runs counter to *Jaaskelainen*’s explicit recital of a radio that operates “without the need for a personal computer or other expensive equipment.” Accordingly, *Qureshey* teaches away from *Schindler*, and the proposed combination of *Qureshey* with *Schindler* to reject the disputed claims is improper.

In addition, the addition of new features to the intelligent radio disclosed in *Qureshey* makes operation of such an intelligent radio more complex and thus, teaches away from “reliev[ing] the user of the complicated tasks associated with installing and configuring computer software.” Specifically, *Qureshey* cites the disadvantage of users having “to install the Web Radio software, configure the Web Radio software to communicate with the ISP, and find the various Web radio broadcasts provided on the Web.” Page 1, lines 24-26. Clearly, *Qureshey*’s awareness of the use of computers to receive Web radio broadcasts, followed by the characterization that the use of such computers are troublesome, indicates that *Qureshey* did not envision the use of including various features and elements from complex computer systems. Since *Qureshey* teaches away from the use of computer systems, Applicant respectfully asserts that it is improper to combine the teachings of *Qureshey* with another disclosure, e.g., *Schindler*, that uses computer system to receive Web broadcasts. See *In re Gurley*, 2 F.3d 551, 31 U.S.P.Q.2d 1130, 1131 (Fed. Cir. 1994) (“A reference may be said to teach away when a person of ordinary skill, upon reading the reference would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.”) Thus, Applicant respectfully asserts that the combination of *Qureshey* and *Schindler* is improper.

For at least these reasons, the rejection of claims 1-4, 9, 10, 11, 13, 17, 18, 21, 22, and 23 should be withdrawn.

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b. Combination of Qureshey in view of Schindler Does Not Render Obvious the Claimed Invention

Even if the *Qureshey* and *Schindler* references are combined, the combination does not render obvious the present claims.

a. Claim 1

As provided in independent claim 1, Applicant claims:

1. A method for receiving digital information and transmitting the information in a localized area, comprising the steps of:
  - receiving audio communications from a plurality of streams of digital information from at least one remote source via the Internet;
  - converting the digital information from the plurality of streams to respective analog information associated with each respective stream;
  - broadcasting concurrently the respective analog information associated with multiple streams from the plurality of streams of digital information at low power in a localized area in multiple preselected radio frequencies chosen by at least one user; and*
  - receiving the broadcast information associated with the multiple streams in the localized area on multiple radio frequency receivers, each receiver tuned to one of the preselected frequencies to permit listening to one of the audio communications associated with one of the multiple streams.*

(Emphasis added).

Applicant asserts that the rejection should be withdrawn because *Qureshey* fails to disclose or otherwise teach the steps that are highlighted above. Specifically, *Qureshey* fails to disclose, suggest, or teach "broadcasting concurrently the respective analog information associated with multiple streams from the plurality of streams of digital information at low power in a localized area in multiple preselected radio frequencies chosen by at least one user" and "receiving the broadcast information associated with the multiple streams in the localized area on multiple radio frequency receivers, each receiver tuned to one of the preselected frequencies to permit listening to one of the audio communications associated with one of the multiple streams," as recited in claim 1.

*Qureshey* appears to disclose an approach of providing a transmitted signal to a receiver using radio communication. However, *Qureshey* does not disclose, suggest, or teach the feature of concurrently broadcasting or receiving more than one stream of audio information. As

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previously stated, *Qureshey* also does not provide the proper motivation to make modifications in order to incorporate this feature. Regardless, *Schindler* fails to disclose or otherwise suggested the aforementioned features. For example, although *Schindler* discloses transmitting multiple streams of audio information, such as television audio signals, CD audio signals, and computer programming, *Schindler* fails to disclose a system for "broadcasting concurrently the respective analog information [from a plurality of streams of digital information from at least one remote source via the Internet] . . . in a localized area in multiple preselected radio frequencies chosen by at least one user." In other words, *Schindler* fails to disclose the transmission of multiple web broadcasts at the same time or the capabilities for doing so. Specifically, *Schindler* discusses the capability for receiving programming content from the Internet. However, the most common broadcast streaming applications on the Internet, such as RealAudio™ or RealPlayer™, do not allow more than one instance of their applications to be operating at a single time on a computer. Hence, neither *Schindler* or *Qureshey* disclose the "feature of broadcasting concurrently the respective analog information associated with multiple streams from the plurality of streams of digital information at low power in a localized area in multiple preselected radio frequencies chosen by at least one user; and receiving the broadcast information associated with the multiple streams in the localized area on multiple radio frequency receivers, each receiver tuned to one of the preselected frequencies to permit listening to one of the audio communications associated with one of the multiple streams," as claimed.

Therefore, claim 1 is not obvious under the prior art of *Qureshey* in view of *Schindler*, and the rejection should be withdrawn.

b. Claims 2-3 & 9-10

Because independent claim 1 is allowable over the prior art of record, dependent claims 2-4, and 9-10 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-4 and 9-10 contain all the steps and features of independent claim 1. See *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

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c. Claim 11

As provided in independent claim 11, Applicant claims:

11. An apparatus for receiving information and broadcasting the information in a localized area, the apparatus comprising:  
means for receiving a plurality of streams of digital information from at least one remote source via the Internet;  
means for converting the plurality of streams of digital information to respective analog information associated with each respective stream;  
and  
*means for broadcasting concurrently the respective analog information of multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user.*

*(Emphasis added).*

Applicant asserts that the rejection should be withdrawn because *Qureshey* fails to disclose or otherwise teach the features that are highlighted above. Specifically, *Qureshey* fails to disclose, suggest, or teach “means for broadcasting concurrently the respective analog information of multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user,” as recited in claim 11.

*Qureshey* appears to disclose an approach of providing a transmitted signal to a receiver using radio communication. However, *Qureshey* does not disclose, suggest, or teach the feature of concurrently broadcasting or receiving more than one stream of audio information. As previously stated, *Qureshey* also does not provide the proper motivation to make modifications in order to incorporate this feature. Regardless, *Schindler* fails to disclose or otherwise suggested the aforementioned features. For example, although *Schindler* discloses transmitting multiple streams of audio information, such as television audio signals, CD audio signals, and computer programming, *Schindler* fails to disclose a system for “broadcasting concurrently the respective analog information [from a plurality of streams of digital information from at least one remote source via the Internet] . . . in a localized area in multiple preselected radio frequencies chosen by at least one user.” In other words, *Schindler* fails to disclose the transmission of multiple web broadcasts at the same time or the capabilities for doing so. Specifically, *Schindler* discusses the capability for receiving programming content from the Internet. However, the most common broadcast streaming applications on the Internet, such as RealAudio™ or RealPlayer™, do not

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allow more than one instance of their applications to be operating at a single time on a computer. Hence, neither *Schindler* or *Qureshey* disclose the feature of "broadcasting concurrently the respective analog information of multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user," as claimed.

Therefore, claim 11 is not obvious under the prior art of *Qureshey* in view of *Schindler*, and the rejection should be withdrawn.

d. Claim 13

Because independent claim 11 is allowable over the prior art of record, dependent claim 13 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that dependent claim 13 contains all the elements and features of independent claim 11.

e. Claim 17

As provided in independent claim 17, Applicant claims:

17. A method for receiving digital information and transmitting the information in a localized area, the method comprising the steps of:  
receiving a plurality of streams of digital information from at least one remote source via the Internet;  
converting the plurality of streams of digital information to respective analog information associated with each respective stream; and  
***broadcasting concurrently the respective analog information associated with multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user, wherein at least one of the preselected radio frequencies is a frequency modulated radio frequency.***

(Emphasis added).

Applicant asserts that the rejection should be withdrawn because *Qureshey* fails to disclose or otherwise teach the step that is highlighted above. Specifically, *Qureshey* fails to disclose, suggest, or teach "broadcasting concurrently the respective analog information associated with multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user, wherein at least one of the preselected radio frequencies is a frequency modulated radio frequency," as recited in claim

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17.

*Qureshey* appears to disclose an approach of providing a transmitted signal to a receiver using radio communication. However, *Qureshey* does not disclose, suggest, or teach the feature of concurrently broadcasting or receiving more than one stream of audio information. As previously stated, *Qureshey* also does not provide the proper motivation to make modifications in order to incorporate this feature. Regardless, *Schindler* fails to disclose or otherwise suggested the aforementioned features. For example, although *Schindler* discloses transmitting multiple streams of audio information, such as television audio signals, CD audio signals, and computer programming, *Schindler* fails to disclose a system for "broadcasting concurrently the respective analog information [from a plurality of streams of digital information from at least one remote source via the Internet] . . . in a localized area in multiple preselected radio frequencies chosen by at least one user." In other words, *Schindler* fails to disclose the transmission of multiple web broadcasts at the same time or the capabilities for doing so. Specifically, *Schindler* discusses the capability for receiving programming content from the Internet. However, the most common broadcast streaming applications on the Internet, such as RealAudio™ or RealPlayer™, do not allow more than one instance of their applications to be operating at a single time on a computer. Hence, neither *Schindler* or *Qureshey* disclose the feature of "broadcasting concurrently the respective analog information associated with multiple streams of the plurality of streams of digital information in a localized area in multiple preselected radio frequencies chosen by at least one user, wherein at least one of the preselected radio frequencies is a frequency modulated radio frequency," as claimed.

**f. Claims 18 & 21**

Because independent claim 17 is allowable over the prior art of record, dependent claims 18 and 21 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18 and 21 contain all the steps and features of independent claim 17.

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g. Claims 22-23

Because independent claim 1 is allowable over the prior art of record, dependent claims 22-23 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 22-23 contain all the steps and features of independent claim 1.

4. Response to Rejection of Claims 5, 12, 19, and 24 under 35 U.S.C. § 103(a)

Claims 5, 12, 19, and 24 have been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Qureshey* and *Schindler* in view of *Lang* (U.S. Patent No. 5,737,692). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. See, e.g., *In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981). Applicant respectfully traverses all rejections.

a. Claim 5

Because independent claim 1 is allowable over the prior art of record, dependent claim 5 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that the dependent claim 5 contains all the steps and features of independent claim 1. Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claim 5 recites further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

The feature "wherein the broadcasting concurrently of the respective analog information associated with multiple streams is initiated at a predetermined time chosen by the at least one user and in at least one of the preselected frequencies chosen by the at least one user," as recited in claim 5, is not disclosed, taught, or suggested by *Qureshey* and *Schindler* in view of *Lang*. For example, *Lang* fails to suggest, disclose, or teach the features of a user selecting a time to initiate the broadcasting of analog information and also selecting the frequency that the transmission is to occur in. Hence, the prior art of *Qureshey* and *Schindler* in view of *Lang* simply would not result in Applicant's claimed invention, and the rejection should be withdrawn.



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**b. Claim 12**

Because independent claim 11 is allowable over the prior art of record, dependent claim 12 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that dependent claim 12 contains all the elements and features of independent claim 11. Additionally and notwithstanding the foregoing reasons for allowability of independent claim 11, dependent claim 12 recites further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the prior art of record.

**c. Claim 19**

Because independent claim 17 is allowable over the prior art of record, dependent claim 19 (which depends from independent claims 17) is allowable as a matter of law for at least the reason that dependent claim 19 contains all the features of independent claim 17.

**d. Claim 24**

Because independent claim 12 is allowable over the prior art of record, dependent claim 24 (which depends from independent claims 12) is allowable as a matter of law for at least the reason that dependent claim 24 contains all the features of independent claim 12.

**5. Response to Rejection of Claims 14-15 Under 35 U.S.C. § 103(a)**

Claims 14-15 have been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Qureshey* and *Schindler* in view of *Dao* (U.S. Patent No. 5,915,207). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. Because independent claim 11 is allowable over the prior art of record, dependent claims 14-15 (which depend from independent claim 11) are allowable as a matter of law for at least the reason that the dependent claims 14-15 contain all the elements and features of independent claim 11.

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6. Response to Rejection of Claim 16 under 35 U.S.C. § 103(a)

Claim 16 has been rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Qureshey* and *Schindler* in view of *Bolas* (U.S. Patent No. 6,389,463). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. Because independent claim 11 is allowable over the prior art of record, dependent claim 16 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that the dependent claim 16 contains all the elements and features of independent claim 11.

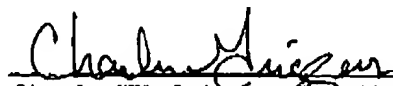
7. Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-5, 9-19, and 21-24 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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